(John S. Curran)

PTO/SB/25(08-03)

Approved for use through 07/31/2008 OMB 0851-0031 U.S. Patent and Tragemark Office, U.S. DEPARTMENT OF COMMERCE under the Paperwork Raduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING Docket Number (Optional) REJECTION OVER A PENDING SECOND APPLICATION SMQ-117/P6141 In re Application of: Julian S TAYLOR Application No. 09/851923-Conf. #3713 Filed: May 9, 2001 METHOD, SYSTEM, PROGRAM, AND DATA STRUCTURES FOR APPLYING A PATCH TO A For: COMPUTER SYSTEM The owner SUN MICROSYSTEMS, INC. 100 . of percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/852,113 , filed on May 9, 2001 of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1 321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to 48 grant. Check either box 1 or 2 below, if appropriate For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon The undersigned is an attorney or agent of record 09/02/2004 Date John S. Curran, Reg. No : 50,445 Typed or printed name 617-227-7400 Telephone Number X Terminal disclaimer fee under 37 CFR 1.20(d) is included *Statement under 37 CFR 3 73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324

I hereby certify that this correspondence is being tacsimile transmitted to the Patent and Trademan. Office, facsimile no. (703) 872-

Signature

9306, on the date shown below Dated: September 2, 2004

From-LAHIVE & COCKFIELD, LLP

PTO/SB/98 (08-03)
Approved for use through 07/31/2005. OMS 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE cond to a collection of information unless it displays a valid OMB control number.

| STATEMENT UNDER 37 CFR 3.73(b) |
|---|
| Applicant/Patent Owner: Julian S. TAYLOR |
| Application No./Patent No.: 09/851923 Filed/Issue Date: May 9, 2001 |
| METHOD, SYSTEM, PROGRAM, AND DATA STRUCTURES FOR APPLYING A PATCH TO A COMPUTER SYSTEM |
| SUN MICROSYSTEMS, INC , a Corporation (Type of Assignee) (Type of Assignee, 8.9., corporation, partnership, university, government, agency, exc.) |
| states that it is: |
| 1 x the assignee of the entire right, title, and interest; or |
| 2. an assignee of less than the entire right, title and interest. The extent (by percentage) of its ownership interest is% in the patent application/patent identified above by virtue of either: |
| A. [x] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011792 , Frame 0379 , or for which a copy thereof is attached. |
| OR B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown palow: |
| 1. From: To: |
| The document was recorded in the United States Patent and Trademark Office at Reel, or for which a copy thereof is attached. |
| 2. From: |
| The document was recorded in the United States Patent and Trademark Office at |
| Reel , Frame , or for which a copy thereof is attached. |
| 3. From: To: |
| The document was recorded in the United States Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached. |
| |
| [] Additional documents in the chain of title are listed on a supplemental sheet. |
| [] Copies of assignments or other documents in the chain of title are attached. [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08] |
| The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee. |
| September 2, 2004 John S. Curran, Reg. No.: 50,445 |
| Date Typed or printed name |
| Telephone Number Signature |
| V - |
| Altomey of Record Title |
| |
| |
| I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872- 9306, on the date shown datow |
| Dated September 2, 2004 Signature John S. Curran) |